

1 or deadly weapon or instrument of like character; or

2 (3) Carries on or about his person or in any
3 vehicle, a tear gas gun projector or bomb or any object
4 containing noxious liquid gas or substance, other than an
5 object containing a non-lethal noxious liquid gas or
6 substance designed solely for personal defense carried by
7 a person 18 years of age or older; or

8 (4) Carries or possesses in any vehicle or
9 concealed on or about his person except when on his land
10 or in his own abode or fixed place of business any
11 pistol, revolver, stun gun or taser or other firearm,
12 except that this subsection (a) (4) does not apply to or
13 affect transportation of weapons that meet one of the
14 following conditions:

15 (i) are broken down in a non-functioning
16 state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case,
19 firearm carrying box, shipping box, or other
20 container by a person who has been issued a
21 currently valid Firearm Owner's Identification Card;
22 or

23 (5) Sets a spring gun; or

24 (6) Possesses any device or attachment of any kind
25 designed, used or intended for use in silencing the
26 report of any firearm; or

27 (7) Sells, manufactures, purchases, possesses or
28 carries:

29 (i) a machine gun, which shall be defined for
30 the purposes of this subsection as any weapon, which
31 shoots, is designed to shoot, or can be readily
32 restored to shoot, automatically more than one shot
33 without manually reloading by a single function of
34 the trigger, including the frame or receiver of any

1 such weapon, or sells, manufactures, purchases,
2 possesses, or carries any combination of parts
3 designed or intended for use in converting any
4 weapon into a machine gun, or any combination or
5 parts from which a machine gun can be assembled if
6 such parts are in the possession or under the
7 control of a person;

8 (ii) any rifle having one or more barrels less
9 than 16 inches in length or a shotgun having one or
10 more barrels less than 18 inches in length or any
11 weapon made from a rifle or shotgun, whether by
12 alteration, modification, or otherwise, if such a
13 weapon as modified has an overall length of less
14 than 26 inches; or

15 (iii) any bomb, bomb-shell, grenade, bottle or
16 other container containing an explosive substance of
17 over one-quarter ounce for like purposes, such as,
18 but not limited to, black powder bombs and Molotov
19 cocktails or artillery projectiles; or

20 (8) Carries or possesses any firearm, stun gun or
21 taser or other deadly weapon in any place which is
22 licensed to sell intoxicating beverages, or at any public
23 gathering held pursuant to a license issued by any
24 governmental body or any public gathering at which an
25 admission is charged, excluding a place where a showing,
26 demonstration or lecture involving the exhibition of
27 unloaded firearms is conducted.

28 This subsection (a)(8) does not apply to any auction
29 or raffle of a firearm held pursuant to a license or
30 permit issued by a governmental body, nor does it apply
31 to persons engaged in firearm safety training courses; or

32 (9) Carries or possesses in a vehicle or on or
33 about his person any pistol, revolver, stun gun or taser
34 or firearm or ballistic knife, when he is hooded, robed

1 or masked in such manner as to conceal his identity; or

2 (10) Carries or possesses on or about his person,
3 upon any public street, alley, or other public lands
4 within the corporate limits of a city, village or
5 incorporated town, except when an invitee thereon or
6 therein, for the purpose of the display of such weapon or
7 the lawful commerce in weapons, or except when on his
8 land or in his own abode or fixed place of business, any
9 pistol, revolver, stun gun or taser or other firearm,
10 except that this subsection (a) (10) does not apply to or
11 affect transportation of weapons that meet one of the
12 following conditions:

13 (i) are broken down in a non-functioning
14 state; or

15 (ii) are not immediately accessible; or

16 (iii) are unloaded and enclosed in a case,
17 firearm carrying box, shipping box, or other
18 container by a person who has been issued a
19 currently valid Firearm Owner's Identification Card.

20 A "stun gun or taser", as used in this paragraph (a)
21 means (i) any device which is powered by electrical
22 charging units, such as, batteries, and which fires one
23 or several barbs attached to a length of wire and which,
24 upon hitting a human, can send out a current capable of
25 disrupting the person's nervous system in such a manner
26 as to render him incapable of normal functioning or (ii)
27 any device which is powered by electrical charging units,
28 such as batteries, and which, upon contact with a human
29 or clothing worn by a human, can send out current capable
30 of disrupting the person's nervous system in such a
31 manner as to render him incapable of normal functioning;
32 or

33 (11) Sells, manufactures or purchases any explosive
34 bullet. For purposes of this paragraph (a) "explosive

1 bullet" means the projectile portion of an ammunition
2 cartridge which contains or carries an explosive charge
3 which will explode upon contact with the flesh of a human
4 or an animal. "Cartridge" means a tubular metal case
5 having a projectile affixed at the front thereof and a
6 cap or primer at the rear end thereof, with the
7 propellant contained in such tube between the projectile
8 and the cap; or

9 (12) (Blank).

10 (b) Sentence. A person convicted of a violation of
11 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
12 subsection 24-1(a)(11) commits a Class A misdemeanor. A
13 person convicted of a violation of subsection 24-1(a)(8) or
14 24-1(a)(9) commits a Class 4 felony; a person convicted of a
15 violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii)
16 commits a Class 3 felony. A person convicted of a violation
17 of subsection 24-1(a)(7)(i) commits a Class 2 felony, unless
18 the weapon is possessed in the passenger compartment of a
19 motor vehicle as defined in Section 1-146 of the Illinois
20 Vehicle Code, or on the person, while the weapon is loaded,
21 in which case it shall be a Class X felony. A person
22 convicted of a second or subsequent violation of subsection
23 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
24 Class 3 felony.

25 (c) Violations in specific places.

26 (1) A person who violates subsection 24-1(a)(6) or
27 24-1(a)(7) in any school, regardless of the time of day
28 or the time of year, in residential property owned,
29 operated or managed by a public housing agency or leased
30 by a public housing agency as part of a scattered site or
31 mixed-income development, in a public park, in a
32 courthouse, on the real property comprising any school,
33 regardless of the time of day or the time of year, on
34 residential property owned, operated or managed by a

1 public housing agency or leased by a public housing
2 agency as part of a scattered site or mixed-income
3 development, on the real property comprising any public
4 park, on the real property comprising any courthouse, in
5 any conveyance owned, leased or contracted by a school to
6 transport students to or from school or a school related
7 activity, or on any public way within 1,000 feet of the
8 real property comprising any school, public park,
9 courthouse, or residential property owned, operated, or
10 managed by a public housing agency or leased by a public
11 housing agency as part of a scattered site or
12 mixed-income development commits a Class 2 felony.

13 (1.5) A person who violates subsection 24-1(a)(4),
14 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
15 the time of day or the time of year, in residential
16 property owned, operated, or managed by a public housing
17 agency or leased by a public housing agency as part of a
18 scattered site or mixed-income development, in a public
19 park, in a courthouse, on the real property comprising
20 any school, regardless of the time of day or the time of
21 year, on residential property owned, operated, or managed
22 by a public housing agency or leased by a public housing
23 agency as part of a scattered site or mixed-income
24 development, on the real property comprising any public
25 park, on the real property comprising any courthouse, in
26 any conveyance owned, leased, or contracted by a school
27 to transport students to or from school or a school
28 related activity, or on any public way within 1,000 feet
29 of the real property comprising any school, public park,
30 courthouse, or residential property owned, operated, or
31 managed by a public housing agency or leased by a public
32 housing agency as part of a scattered site or
33 mixed-income development commits a Class 3 felony.

34 (2) A person who violates subsection 24-1(a)(1),

1 24-1(a)(2), or 24-1(a)(3) in any school, regardless of
2 the time of day or the time of year, in residential
3 property owned, operated or managed by a public housing
4 agency or leased by a public housing agency as part of a
5 scattered site or mixed-income development, in a public
6 park, in a courthouse, on the real property comprising
7 any school, regardless of the time of day or the time of
8 year, on residential property owned, operated or managed
9 by a public housing agency or leased by a public housing
10 agency as part of a scattered site or mixed-income
11 development, on the real property comprising any public
12 park, on the real property comprising any courthouse, in
13 any conveyance owned, leased or contracted by a school to
14 transport students to or from school or a school related
15 activity, or on any public way within 1,000 feet of the
16 real property comprising any school, public park,
17 courthouse, or residential property owned, operated, or
18 managed by a public housing agency or leased by a public
19 housing agency as part of a scattered site or
20 mixed-income development commits a Class 4 felony.
21 "Courthouse" means any building that is used by the
22 Circuit, Appellate, or Supreme Court of this State for
23 the conduct of official business.

24 (3) Paragraphs (1), (1.5), and (2) of this
25 subsection (c) shall not apply to law enforcement
26 officers or security officers of such school, college, or
27 university or to students carrying or possessing firearms
28 for use in training courses, parades, hunting, target
29 shooting on school ranges, or otherwise with the consent
30 of school authorities and which firearms are transported
31 unloaded enclosed in a suitable case, box, or
32 transportation package.

33 (4) For the purposes of this subsection (c),
34 "school" means any public or private elementary or

1 secondary school, community college, college, or
2 university.

3 (d) The presence in an automobile other than a public
4 omnibus of any weapon, instrument or substance referred to in
5 subsection (a)(7) is prima facie evidence that it is in the
6 possession of, and is being carried by, all persons occupying
7 such automobile at the time such weapon, instrument or
8 substance is found, except under the following circumstances:

9 (i) if such weapon, instrument or instrumentality is found
10 upon the person of one of the occupants therein; or (ii) if
11 such weapon, instrument or substance is found in an
12 automobile operated for hire by a duly licensed driver in the
13 due, lawful and proper pursuit of his trade, then such
14 presumption shall not apply to the driver.

15 (e) Exemptions. Crossbows, Common or Compound bows and
16 Underwater Spearguns are exempted from the definition of
17 ballistic knife as defined in paragraph (1) of subsection (a)
18 of this Section.

19 (f) Affirmative defense. It is an affirmative defense
20 to a violation of subsection 24-1(a)(4) or 24-1(a)(10) of
21 this Section that a person who possessed the firearm had an
22 order of protection issued against another person.

23 (Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99;
24 91-690, eff. 4-13-00.)".